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The Illinois Second Chance Expungement/Sealing Gap

Colleen Chien

The Illinois Second Chance Expungement/Sealing Gap

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Key Findings [2]

Est Population with criminal records: ~3M
Est Population with conviction records: ~1.5M
Est Population with criminal records eligible for record relief (share): ~73%
People with criminal records eligible for record relief (population): ~2.2M
Est Population with convictions eligible for sealing relief (share): ~60%
Est Population with convictions eligible for sealing relief (population): ~921K
Conviction sealing in last year of data (2021): ~5,963
Uptake rate of conviction relief: ~10%
Years to clear the conviction backlog: 154
Reduction of the White-Black gap in people with conviction records: 31%
Reduction of the White-Black gap in people with felony conviction records: 57%
Estimated aggregate annual earnings loss associated with clearable convictions: $4.7B
*Does not include consideration of fines and fees

I. Abstract

20 ILCS 2630/5.2 allows individuals whose criminal records meet certain conditions to expunge or seal their records. Ascertaining and applying the law to a sample of 2,113 criminal histories, [3] including about 63% with convictions records, and then extrapolating our results to the estimated population of 3M individuals in the state with criminal records [4] and 1.5M individuals with

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[2] Calculations derived based on dataset comprised of background checks described in Appendix A; for a robustness check, we performed the analysis again on a dataset we obtained from Illinois State Criminal Justice Information Authority, of a random sample of 25% of criminal histories associated with all individuals charged with a misdemeanor or felony from 2000-2022 ("State Data Sample"), of which we used a 5% sample of the histories, or 1.25% of the population. Our results were very similar to the results reported above in the Key Findings section except that the share of people with criminal records eligible for relief using the state data was higher (86%) than the share of people eligible using the background check data (73%), making our key findings conservative.

[3] This sample was provided by a background check company as described in Chien (2020).

[4] This is a rough estimate obtained by calculating 24% of the 2020 total state population of 12.8M, reflecting the national average of the population with criminal records (out of ~329M Americans, ~80M have criminal records and 80/329 = ~24%); cf. Becki R. Goggins et al., *Survey of State Criminal History Information Systems, 2020: A Criminal Justice Information Policy Report*, SEARCH (2020), available at https://www.ncjrs.gov/pdffiles1/bjs/grants/255651.pdf, Table 1 (listing the total number of subjects with criminal records in the IL state repository as of Dec. 2018 as 7.5M, a number that does not take into account people that had left the state or passed away).

convictions records, we estimate the share and number of people who are eligible for relief but have not yet received it. These individuals fall within the "second chance gap," the difference between eligibility for and receipt of records relief.[5] We also estimate the aggregate earnings loss associated with people eligible for relief from convictions that have not yet received it.[6] We did not model legal financial obligations or other out-of-record criteria. Racial disparities are significant in the Illinois population of people with a criminal record, with an estimated 7% of white Illinoisians but 22% of Black Illinoisians having a conviction record

Table 1: Estimated Share of Illinois Population with Convictions - Pre and Post-Expungement of All Eligible Records - Race Analyses[7]

Metric	Conviction		Felony Conviction	
Race	Baseline	Post Clearance of All Eligible	Baseline - Any Felony	Post Clearance of All Eligible - Any Felony
Black	30%	20.6%	20.6%	9.6%
White	9.6%	6.8%	4.2%	2.6%
All	11%	7.7%	6%	3%
Black -White Gap	20.4%	13.8% (reduction of 31%)	16.4%	7% (reduction of 57%)

Figure 1: Share of Illinois Population with Convictions - Pre and Post- expungement of All Eligible Records - Racial Gap Analysis[8]

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[5] The "second chance gap" is defined in Chien (2020), *supra* note 1.

[6] We rely on the methodology and estimates provided in Colleen Chien, et al., Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License, 64 Ariz. Law Rev. 675 (2022) (estimating, based on review of the literature, the national average earnings losses associated with a misdemeanor and felony conviction to be $5,100 and $6,400, respectively. As averages, these numbers reflect the loss experienced by individuals with a range of criminal records, employment history, and employability). (paper available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4065920)

[7] All race analyses shown/done based on State Data Sample described in Appendix B and the racial distribution of people in the Illinois population as reported by the Census (2020) (https://www.census.gov/quickfacts/IL).

[8] Due to deficiencies in the data (including coverage of expunged cases, deaths, and departures), the racial composition of people with records before and after "Clean Slate" clearance of everyone in the second chance gap cannot be estimated with complete certainty. As such the disparities shown should be regarded as ballpark figures.

Reduction in IL Black-White conviction and felony conviction rates post clearance of eligible records
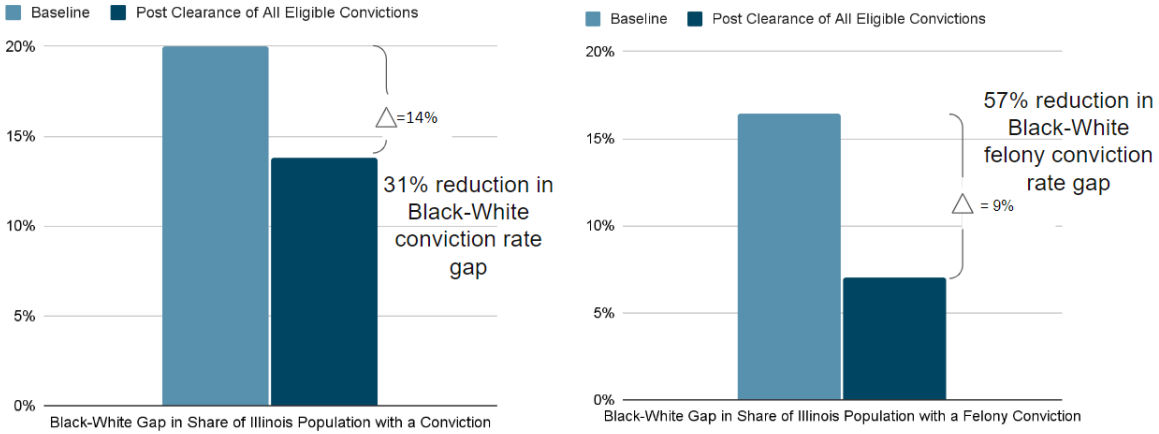
Likelihood of having a Conviction Record in IL by race
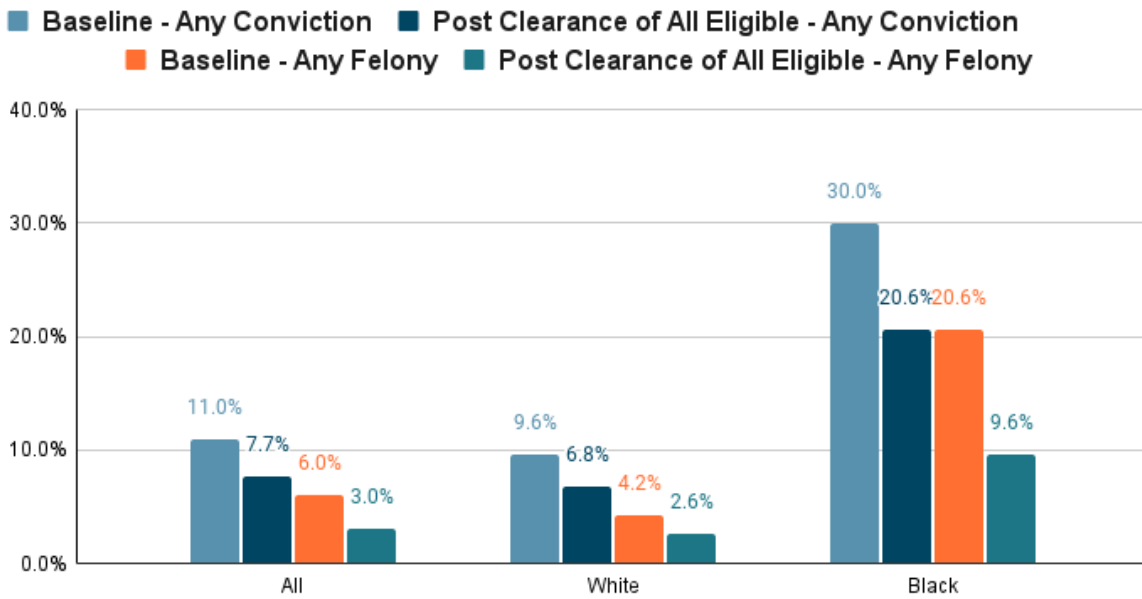
Based on the methods described above and detailed in Appendix A, we find that approximately 60% of individuals in our sample are eligible to seal at least one conviction, 39% of individuals with conviction records are eligible to seal all of their convictions, and that 73% of individuals with criminal records are eligible to receive sealing or expungement relief, and 36% of individuals with criminal records are eligible to obtain relief for all records. Extrapolating to the total number of people with records in Illinois, this yields an estimated 921K people with conviction records that are eligible for conviction relief and 2.2M people with criminal records that are eligible for any relief.

Combining historical statistics with our eligibility calculations, we estimate that 10% of people with conviction records eligible for sealing have received it, leaving 90% of people with conviction records in the Illinois "second chance gap." To ascertain the approximate annual earnings loss associated with Illinois' second chance convictions gap, we multiply the number of people in the convictions gap (921K) by $5,100, a conservative estimate for the average loss in earnings yearly due to the second chance gap.[9] We estimate that $4.7 Billion in cumulative earnings are lost every year in Illinois due to convictions that could be, but have not been cleared.

Racial gap analysis

Impact on people with convictions
Currently, although 9.6% of White people have a conviction, the figure is more than triple for Black people, 30%. However, if all eligible convictions were cleared, the White-Black gap in conviction rates would shrink from 20% (30%-9.6%) to 13.8% (20.6%-6.8%), representing a 31% reduction in the White-Black conviction rate gap.

Impact on people with felony convictions
Among people with felony convictions, the gap is even greater: 4.2% of White people have a felony while almost five times that share, 20.6% of Black people live with a felony conviction, contributing to a 16.4% gap (20.6%-4.2%) in White-Black conviction and felony conviction rates. However, if all eligible convictions were cleared, the White-Black gap in conviction rates would shrink to 7% (9.6%-2.6%), representing a 57% reduction in the White-Black felony conviction rate gap.

Based on reported records, the state sealed about 5,963 conviction cases in the last year of available data (2021). At this rate, it would take about 154 years to clear the existing second chance sealing gap alone. However, due to deficiencies in the data–including that of disposition, charge type, and sentence completion criteria–and ambiguities in the law uncovered during our analysis, providing relief through "Clean Slate" automated approaches would require significant data normalization and cleaning efforts. We include, in Appendix F, statute drafting alternatives to avoid some of these problems.

Included in our report are the following: Methodology (Appendix A), Data Sample Description (Appendix B), Data for Selected Counties (Appendix C), Common Charges - All and By Race (Appendix D), Detailed Expungement/Sealing Statistics (Appendix E), Clearance Criteria Challenges and Legislative Drafting Alternatives (Appendix F).

II.   Summary

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[9] $5,100 is a national average that is associated with misdemeanors (see *Id.*), but the second chance gap in Illinois includes individuals with both misdemeanor and felony convictions, and the state's average annual income puts it in the top third of states (https://worldpopulationreview.com/state-rankings/average-income-by-state), both of which make the number a conservative estimate.

Every time a person is convicted of a crime, this event is memorialized in that individual's criminal record in perpetuity, setting off thousands of potential collateral consequences, including being penalized in searches for employment, housing, and volunteer opportunities.

To remove these harmful consequences, Illinois law allows people whose criminal records meet certain conditions to expunge and/or seal their records.[10] However, we suspect the "second chance gap" in Illinois–the share of people in the state eligible for relief who haven't expunged or sealed records because of hurdles in the petition process–is large. To carry out our analysis, we ascertained charge eligibility based on reading the code, inferred whether a person had a charge pending, and made assumptions about the estimated date of completion of the sentence based on the passage of time derived from practice. Importantly, we did not account for outstanding fines or out-of-state charges, which could potentially disqualify some individuals for relief, nor did we model criteria from whom eligibility was unascertainable from the available record.

III.   Key Findings

Using the approach described briefly above and in detail in Appendix A we find that:

- In the state of Illinois, an estimated 3.0M out of approximately 12.7M state residents have criminal records and 1.5M have conviction records.
- Of those with convictions, an estimated 60%, or about 921K people, are eligible for sealing of their convictions, while an estimated 73% of those with records, or about 2.2M people, are eligible for sealing or expungement of all or part of their records under the current law (not taking into account fines, fees, and out-of-state charges).
- We estimate that approximately 36% of individuals with records, or 867K, could clear their records entirely and that 39% of individuals with convictions, or ~600K, could clear all their convictions.
- Based on the assumption that our sample is representative of people with court records in Illinois, we estimate that the current felony conviction population in Illinois is at least 584K people.[11]
- Based on records obtained from the sources disclosed in Appendix D and methods disclosed in Appendix A, we estimate, conservatively, that the state issued approximately 282K total expungements/sealings and 97K total conviction sealings over the last 20 years. Based on these numbers and the calculations above, we estimate that 11% of people eligible to clear any record and that 10% of people eligible to clear their convictions have done so, leaving 89% and 90% of people in the expungement/seal uptake gap, respectively.
- At current rates of sealing, it would take around 154 years to clear the existing backlog of eligible convictions.

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[10] The relevant record relief law is described under "Illinois Expungement and Sealing Rules" in Appendix A.
[11] In 2010, the current felony conviction population in the state was estimated to be approximately 872K people. See Shannon, Uggen (2016).

- If all eligible convictions were cleared, the White-Black gap in conviction rates in the population would be reduced by 32%, and the White-Black gap in felony convictions would be reduced by 58%.
- We estimate the aggregate earnings loss of the approximately 921K people with convictions in the Illinois second chance gap is about $4.7B.

IV.   Conclusion

Based on our analysis, Illinois' expungement/seal laws allow for approximately 73% of those who live burdened with criminal records to get relief, 60% to get relief from convictions specifically, 36% to clear their records entirely, and 39% of individuals with convictions to clear all convictions. But to date, we estimate that 11% of those eligible for any record relief and 10% of those eligible for conviction relief have actually received those remedies, leaving 89% and 90% of people, respectively, in the expungement/seal second chance gap. The conviction second chance gap translates into a cumulative annual earnings loss to the state of about $4.7 Billion. If all eligible convictions were cleared, the White-Black gap in conviction rates in the population would be reduced by 32%, and the White-Black gap in felony convictions would be reduced by 58%.

Appendix A: Methodology

To estimate the number and share of people eligible for but not receiving relief in each state, we proceeded as follows, implementing the approach developed in Colleen V. Chien, *America's Paper Prisons: The Second Chance Gap* (2020) (Chien (2020)).

First, we ascertained the relevant record relief laws and developed rules logic, using legal research to develop lists of eligible and ineligible charges. Next, we obtained and cleaned the data sample and collected information on the state's criminal population. Where possible, we also obtained administrative data on the number of expungements and sealings historically granted. We then developed flow logic to model the laws, and applied the flow logic to the data sample in order to estimate eligibility shares in the sample. Finally, we extrapolated from the population in the sample to the total criminal population in the entire state to calculate number and share of individuals in the "current gap" (people with records currently eligible for relief) as well as the "uptake gap" (share of people eligible for record relief over time that have not received it). The descriptions below disclose several shortcomings in our approach, including our inability to account for outstanding fines or out-of-state charges that could potentially disqualify some individuals for relief, our failure to model criteria from whom eligibility was unascertainable from the available record, the existence of missing data for which we assumed a lack of eligibility, and our inability to be sure that our sample was representative of the entire population of individuals with criminal records in the state.

Ascertaining the Law and Developing Rules Logic

Based on the court guidelines, statutes, and guides from non-profits listed below, we discerned the law and determined its internal logic with respect to the charge grade (e.g., misdemeanor or felony), offense type (e.g., non-violent or domestic violence charge), time (e.g., 3-year waiting period), disposition type (e.g., nolo contendere) and personal conditions (e.g., a lifetime limit of 2 convictions) that define eligibility. These are disclosed in every report in the "Illinois Expungement and /Sealing Rules" section below.

From these rules, we created lists of eligible and ineligible offenses. To do so, we reviewed the relief rules for disqualified classes of charges and then searched the criminal code for the corresponding statute name or number corresponding with each class of charges. We then used these statutes to identify the characteristics of each potentially eligible offense: their charge type (e.g., misdemeanor or felony), degree, and the maximum possible duration of incarceration/amount to be fined for each offense. Once we had assembled the characteristics of each potentially ineligible offense, we checked each conviction and non-conviction charge for its possible disqualification. If a specific statute section was outside the prescribed characteristics of any category of eligibility (e.g., class of offense, degree, maximum duration of incarceration/amount to be fined, etc.), the offense was deemed ineligible for expungement. The remaining offenses that meet all of the relevant eligibility requirements were deemed eligible for relief. We did not consider the eligibility of offenses that fulfilled the unmodeled criteria referenced above, making our estimate both under-inclusive and over-inclusive.

Obtaining the Data Sample and Collecting Data on the State Population of Individuals with Criminal Records and the Number of Expungements Granted

From a data vendor, we obtained court records from the data source indicated below. Where not already available, we used Name+DOB to create unique person IDs and created state-specific criminal histories for each person. Profile information on the analyzed population is provided below in every report in Appendix B.

We approximated the number of people with criminal charges using a few methods. If state criminal population information was available directly from the state, we relied on it. When it was not available, we considered two sources. First, we consulted public records provided by SEARCH (2018), a listing of criminal subject counts provided by the repositories of each state. We then adjusted for growth in the number of people with records using a 3% CAGR average based on 10 years of historical data. As a sanity check, we compared this number with the estimated number of people with criminal records derived based on taking the population of people in the state from the Census and then multiplying the "national average" share of ~24% of Americans having a criminal record (derived from 329M total individuals in the population and 80M individuals in the nation with criminal records). When the difference was large (i.e., more than ~25%), we used the population-derived number. The raw numbers derived from SEARCH records and from the state include multi-state offenders, people who did not live in the state at the time of the crime, and people that may have left the state since their disposition. Regardless of the source, the raw numbers do not account for deported or deceased people. As described in the report, where possible we made adjustments to take into account these factors, but it should be reiterated that from these reasons, the population numbers provided are estimates.

We further accounted for people with uncharged arrests as described in Chien (2020) based on an analysis prepared by Professor Robert Apel of Rutgers University (which in turn is based on the NLSY97, an ongoing U.S. Bureau of Labor Statistics survey tracking 7,335 randomly selected people starting in their 20's) by removing them from our eligibility analysis, which is based on court records.

In addition to researching the number of individuals with criminal histories, we sought from state sources administrative data on the number of expungements granted historically. When public reports were not available, we filed records requests or consulted other sources of information. We used this data to calculate the "uptake rate" and number of years it would take to clear the backlog.

Applying the Law to the Sample Data to Obtain an Eligibility Share

To apply the law to data, we used the methods described in Chien (2020) to first prepare the data by cleaning and labeling dispositions and charges data. We report the share of charges missing dispositions or charge types in Appendix B of each report. We then applied the logic to the sample to obtain a share of people eligible for records relief in the sample. When relevant data was missing, we assumed, conservatively, that the charge or incident was ineligible for relief.

To approximate "sentence completion," we used recorded sentences where available, assuming that the sentence had been carried out. Where sentence completion was not readily available, we assumed that the sentence was completed 2.5 years after the disposition date for misdemeanor charges and 3.5 years after the disposition date for felony charges. Importantly, we did not account for outstanding fines or out-of-state charges, which could potentially disqualify some individuals for relief per the summary of the IL rules.

When the eligibility of frequently occurring charges wasn't addressed directly by the "top down" methodology described above of researching eligibility or ineligibility based on the rules, we used a "bottom up" approach of researching these charges and ascertaining their eligibility one-by-one.

Applying the Eligibility Share to the Criminal Population and State History of Relief to Estimate the Number of People in the Second Chance Gap

To develop a total state eligibility estimate based on the shares derived in the steps above, we assumed that the sample was representative enough of the criminal population that we could use its eligibility shares as the basis for a state estimate. We then applied these shares to the estimated number of people with court criminal records in the state, developed using the approach described above. This yielded our estimation of the number and share of individuals in the "current gap" (people with current records eligible for relief) as well as, in combination with the expungement actuals mentioned above, the "uptake gap" (share of people eligible for expungement over time that have not received it).

Illinois Expungement and Sealing Rules

Two methods of record relief are used to address Illinois adult criminal records of individuals who do not have any pending criminal charges or incomplete criminal sentences. In short, *expungement* can be used to erase most non-conviction records; convictions that have been vacated, reversed, set aside with a finding of innocence, pardoned and approved for expungement; eligible cannabis-related convictions; successfully completed sentences for court supervision for certain offenses and under certain conditions; and successfully completed sentences of qualified probation under certain conditions. In general, *sealing* can be used to hide from most of the general public any record that is eligible to be expunged; most convictions, if certain conditions have been met; and completed orders of supervision and sentences of qualified probation, if certain conditions have been met. A more in-depth look at eligible criteria, including those which were and weren't included in our model, is provided below.

Sources
 20 ILCS 2630/5.2 Illinois Court Form (7/23/2021) / Illinois CCRC (12/21/2021)

CONVICTIONS:
1. Misdemeanors and Felonies:
   a. Sealing for misdemeanors and felony convictions after a 3-year waiting period beginning on the date of completion of the most recent sentence, if clean (no convictions). (20 ILCS 2630/5.2(c)(2);(c)(3)).
   b. Expungement for misdemeanor and class 4 felony convictions for cannabis offenses under section 4-5 of the Cannabis Control Act (possession of 500g or less, or manufacture/delivery of 30g or less) upon petition after completion of sentence with no wait-period. (20 ILCS 2630/5.2(i)(3)-(5)).
2. Not eligible:
   a. Expungement not allowed for convictions or orders of supervision for any sexual offense against a minor, DUI, or reckless driving (unless it was a misdemeanor and occurred before the individual turned 25). (20 ILCS 2630/5.2(2.5)(3)(A))
   b. Sealing not allowed for convictions for DUI, animal care crimes, domestic battery (2630/5.2(a)(3)) or offenses requiring registration for arson, traffic offenses, sex offenses, or murder/violent offenses against minors, until petitioner is no longer required to register. (20 ILCS 2630/5.2(c)(3)(c))
3. Lifetime or other Limits: See below under "unmodeled criteria"
4. Treatment of Multiple Convictions from the Same Incident: Multiple convictions arising from the same incident are eligible for sealing (20 ILCS 2630/5.2(d)(1)).
5. LFO payment required for sentence completion: Yes for restitution (unless it has been converted to civil judgment), but no requirement for all other forms of LFO's.(20 ILCS 2630/5.2(e)(6)(C)).
6. Other Unmodeled Criteria or details:

a. Automatic expungement for pardoned convictions for "minor cannabis offenses" (defined as possession or sale of 30 grams or less, no enhancements, no violence) with no wait-period. (ILCS 2630/5.2(i)).

b. Records expungeable on the basis of a conviction being vacated or reversed (sub. (b)(1)) or approved by the Prisoner Review Board (sub. (e-6)).

c. Any subsequent felony after the petitioner already had a felony conviction sealed is ineligible for sealing (and may result in the prior conviction being unsealed). (20 ILCS 2630/5.2(c)(4)).

d. Records sealable if sentence of first offender probation (sub. (c)(2)(E)) is completed, and either 3 years have passed since completion of petitioner's last sentence (sub. (c)(3)(C)) or upon the completion of petitioner's last sentence without a waiting period if petitioner completed an educational diploma, degree, or certificate (sub. (c)(3)(E)) or until petitioner is no longer required to register under Arsonist Registration Act or Murderer and Violent Offender Against Youth Registry.

e. Expungement (defined as the destruction of records) for misdemeanor and felony convictions only in limited circumstances where the conviction was set-aside on direct review or collateral attack and the court determines the petitioner was factually innocent, with no waiting period (20 ILCS 2630/5.2(b)(2)(A)). See generally (20 ILCS 2630/5.2(b)(6)).

f. Sealing for pardoned misdemeanors and felonies where the pardon expressly allows for expungement, with no waiting period. (20 ILCS 2630/5.2(e))

NON-CONVICTIONS:

7. Sealing for misdemeanor and felony arrests and charges resulting in acquittal/dismissal at dispositional hearing, with no wait-period or other restrictions on eligibility. (20 ILCS 2630/5.2(g)).

8. Expungement for misdemeanor and felony first-time drug offenders given deferred adjudication (here deemed a non-conviction) upon completion of sentence with no wait-period if clean (no convictions) during deferred adjudication period. (720 ILCS 570/410(f)).

9. Expungement for certain misdemeanor and felony arrests and charges given an "order of supervision" (treated as not a conviction) upon completion of sentence after variable waiting-periods:

a. 5-year waiting period since successful completion of court supervision for domestic battery, criminal sexual abuse against a person 18 years or older, operation of an uninsured motor vehicle, operation of a motor vehicle when registration is suspended for non-insurance, display of false insurance card, or

processing of scrap metal without proper record keeping. (20 ILCS 2630/5.2(b)(2)(B)(i))

    b. 2-year waiting period from successful completion of sentence for any other charges. (20 ILCS 2630/5.2(b)(2)(B)(ii))

    c. Until the individual turns 25, misdemeanor reckless driving charges that occurred when petitioner was under 25 (but cannot have any other reckless driving or DUI convictions). (20 ILCS 2630/5.2(b)(2)(B)(i-5))

10. Expungement for misdemeanor and felony arrests and charges given "qualified probation" (treated as not a conviction) after a 5-year waiting-period starting from the date of completion of sentence. (20 ILCS 2630/5.2(b)(2)(C))

11. Automatic expungement for arrests for "minor cannabis offenses" (defined as <30 grams, no enhancements, no violence) after a 1-year wait-period starting from the date of arrest. (20 ILCS 2630/5.2(i)(1)(A)(i)).

    d. Post 1/1/2013 arrests to be expunged by 1/1/2021, those between 2000 and 2013 by 1/1/23, and those prior to 2000 by 1/1/2025. (20 ILCS 2630/5.2(i)(1)(C)).

Appendix B: Data Sample Description

The data we used to calculate eligibility comprised a sample of criminal histories chosen at random from a background check company based on checks conducted from 2017-2018 as described in Chien (2020). For a robustness check, we performed the analysis again on a dataset we obtained from the Illinois State Criminal Justice Information Authority of a random sample of 25% of criminal histories associated with all individuals charged with a misdemeanor or felony from 2000-2022 ("State Data Sample"), of which we used a 5% sample of the histories or 1.25% of the population. Our results were very similar to the results reported above in the Key Findings section except that the share of people with criminal records eligible for relief using the state data was higher (86%) than the share of people eligible using the background check data (73%), making the Key Findings we report conservative. We use the State Data Sample to carry out all the reported race analyses.

Data Statistics	
Number of People in the Sample	2,113
Share of People with Convictions	63%
Share of People with Felony Convictions	24%
Share of People with Misdemeanor Convictions in the Sample	33%
Share of People with Felony Charges in the Sample	33%
Share of Charges Missing Dispositions	12%

Share of Charges Missing Charge Types	0%

Appendix C: Data for Selected Counties

County	Share of People with Charges in the Sample	Est # of People with Records per County	Share of People with Convictions in the Sample	Est # of People with Convictions per County	Share of People with Clearable Convictions in the Sample	Est. # of People with Clearable Convictions per County
COOK	46%	1,378,609	23%	698,533	17%	511,122
DUPAGE	6%	184,572	4%	120,681	3%	83,767
WILL	4%	120,681	2%	59,631	1%	31,235
ROCK ISLAND	4%	110,743	3%	92,286	2%	58,211
MCLEAN	4%	110,743	2%	62,470	1%	18,457
LAKE	3%	96,545	1%	38,334	1%	26,976
KANE	3%	96,545	2%	49,692	1%	38,334
WINNEBAGO	2%	65,310	2%	49,692	1%	36,914
ST CLAIR	1%	41,174	1%	25,556	1%	18,457
CHAMPAIGN	1%	41,174	1%	26,976	1%	18,457
PEORIA	1%	39,754	1%	26,976	1%	17,037
SANGAMON	1%	31,235	1%	19,877	0%	14,198
MCHENRY	1%	28,396	1%	17,037	0%	11,358
LOGAN	1%	18,457	0%	14,198	0%	4,259

These numbers represent rough estimates and are based on a Illinois criminal population of 3.0M.

Appendix D: Common Charges

A. Top 10 Charges in our Dataset

Charges	Number of Charges	Percentage of Charges
Driving Suspended License	383	4.6%
Committed: Driving 15-20 MPH Limit	258	3.1%
Domestic Battery	176	2.1%
Committed: Operate Uninsured Mtr Vehicle	139	1.7%
Committed: Driving Suspended License	126	1.5%
Disorderly Conduct	122	1.5%
Possession Controlled Substance	115	1.4%
Committed: Seat Belt Required/Driver	112	1.4%
Battery	100	1.2%
Retail Theft	97	1.2%
Total share and charges associated with top 10 charges	**1,628**	**19.6%**

B. Top 10 Expungeable Charges in our Dataset

Expungeable Charges	Number of Charges	Percentage of Charges
Driving Suspended License	263	4.3%
Committed: Driving Suspended License	106	1.8%
Possession Controlled Substance	105	1.7%
Disorderly Conduct	95	1.6%
Battery	83	1.4%
Possession Cannabis	81	1.3%
Retail Theft	78	1.3%
Burglary	72	1.2%
Criminal Damage Property	71	1.2%
Theft	71	1.2%
Total number and share of charges associated with top 10 expungeable charges	**1,025**	**16.9%**

Appendix E: Detailed Expungement/Seal Statistics

We obtained expungement and sealing statistics from the Illinois State Police Division of Administration, at https://isp.illinois.gov/BureauOfIdentification/Expungements. The Illinois State Police Division of Administration reports that the Department entered 59,620 orders to expunge and 33,642 orders to seal records between fiscal year 2014 and fiscal year 2019. From July 1, 2020 to July 1, 2021, 5,963 orders to seal records were entered by the Department.

Appendix F: Clearance Criteria Challenges and Legislative Drafting Alternatives[12]

Criteria	Administrability Challenge	Example	Drafting Alternative
Sentence completion	Not tracked in court data and hard to infer as clean sentencing data is often not available; it also is often unclear whether or not outstanding fines and fees must be paid and whether they have been.	Records relating to a first conviction ...voided upon the petitioner's successful completion of the sentence will be sealed by the court. KRS §§ 218A.276(1), (8), (9). Record...can be sealed by the court one year after sentence completion if the petitioner has no subsequent charges or convictions. Colo. Rev. Stat. § 24-72-705(1)(c)(I), (1)(e)(I).	Disposition Date (+ X Years)
First conviction; qualifying conditions	Lack of unique identifier across precludes determination		Bless commercial identification approximation technique
Personal demographic traits such as age, military status, or other condition	Information may not be easily ascertainable / available on the record or charge category condition	Records relating to an offense committed by current and former military personnel..,can be dismissed Cal. Pen. Code § 1170.; A record relating to a matter sealed pursuant to section 781 is destroyed ...when the person reaches 38 years of age. Cal. Welf. & Inst. Code §781(d). Cal. Welf. & Inst. Code § 781(d).	Specify an identification strategy that can be implemented at scale or do not include demographic traits
Class or grade condition	Missing class, grade or category information	Records relating to a charge or conviction for a petty offense,	Explicitly specify the

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[12] Adapted from Chien (2020).

		municipal ordinance violation, or a Class 2 misdemeanor as the highest charge can be removed from the public record after 10 years, if all court-ordered conditions are satisfied. S.D. Codified Laws § 23A-3-34.	qualifying crimes
Court-ordered conditions	Require individual review /check for any "court-ordered" conditions and compliance re: same		Do not include court-ordered conditions
Laundry list disposition criteria	Vulnerable to changes to definitions, requires detailed clean data	Records of arrest are destroyed within 60 days after detention without arrest, acquittal, dismissal, no true bill, no information, or other exoneration. R.I. Gen. Laws § 12-1-12(a), (b).	Simple description e.g., "All records that do not end in a conviction"